IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 914 OF 2006

Sau. Shantiben Rajkumar Jain ...Applicant.

V/s

The State of Maharashtra ...Respondent.

Mr. R.V. More for the applicant.
Ms. S.D. Shinde, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 6th March, 2006

P.C.

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for anticipatory bail. The applicant's daughter died on 15/5/2005 near Sangli. Three months after her death, a complaint was filed in which it was alleged that her father had given a contract to some person to kill her and, thereafter, she was strangulated and killed. It is alleged that when the girl died on 15/5/2005, her mother was present in the house and when the witnesses had gone their to make inquiry as to how the girl had died, the mother has stated that she had died due to heart disease. It is alleged that the mother did not take her to any doctor or did not obtain a medical

certificate.

3. A perusal of the record indicates that the witnesses have given different versions regarding the cause of death of the daughter of the applicant. According to one version, the deceased who had become Sadhavi and was residing in Jain Ashram, was murdered at the instance of Maharaj who was residing in the Ashram. According to another version, after the father of the deceased had learnt that she had a lover affair with the Muslim Boy, he had given contract to kill her. None of the witnesses has stated that the applicant had given contract or was responsible in any way for the death of the deceased. In any case, charge-sheet has now been filed and there is no reason to keep the applicant in the custody. All other accused have been released on bail. In fact, initially, the persons who were named as witnesses by the prosecution had been arrayed as accused in this case. Considering all these facts and circumstances, in my view, this is a fit case for grant of anticipatory bail. The applicant has a fixed place of residence in Madhya Pradesh and she comes from a respectable family.

4. The applicant, therefore, in the event of her arrest by the Sangli Rural Police Station in connection with C.R. No.59 of 2005 registered with Sangli Rural Police Station, District Sangli for the offence punishable under sections 302, 201 and 120-B of the I.P.C., be released on bail in the sum of Rs 10,000/- with one or two sureties in the like amount. The applicant shall report to Karoli Police Station, District Narsingpur, Madhya Pradesh once in two months.

5. Application is accordingly disposed of in the above terms.

V.M. KANADE, J.